

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - JUDGE VALERIE E. CAPRONI

D George Sweigert v. Jason Goodman	RECEIVED	CIVIL CASE #: 1:18-CV-08653-VEC
	DEC -4 2019	JUDGE VALERIE E. CAPRONI
	PRO SE OFFICE	MAGISTRATE STEWART D. AARON

PLAINTIFF'S LETTER MOTION FOR LEAVE OF COURT
TO FILE MOTION TO NAME MARCUS CONTE AS CO-DEFENDANT

Pursuant to the conditions expressed in the ENDORSEMENT of Magistrate Judge Stewart D. Aaron (11/14/19, ECF Doc. no. 102) and Federal Rule of Civil Procedure (Fed.R.Civ.P.) Rule 14 Plaintiff MOTIONS for LEAVE to add **MARCUS CONTE** as a Co-Defendant.

Marcus Conte is no stranger to this litigation as he sent unauthorized e-mail communications to the presiding judge on 9/12/2019 (**EXHIBIT ONE**). Mr. Conte's actions were published in a YouTube video dated 9/12/2019 entitled (**EXHIBIT TWO**).

**Dave Acton Sweigert Charged With Cyber Bullying, Harassment, Perjury:
SDNY Judge Valerie E. Caproni**

The Court was made aware of these activities in a letter received by someone in the Court building, but never docketed (verified via U.S. Priority Mail) attached as **EXHIBIT THREE**.

Mr. Conte also produces video content of his telephone calls to agents of the Federal Bureau of Investigation where he names the Plaintiff in various crimes and criminal activity. On 9/17/2019 Conte published YouTube video content entitled:

**Dealing With Cyber Bullies; Dopey Dave Acton Sweigert Under FBI Review
[LARP NEWS]**

The above cited video (**EXHIBIT FOUR**) is a voice recording between Mr. Conte and an F.B.I. field agent at 26 Federal Plaza, 23rd Floor, New York, N.Y. 10278-00004, phone 212-384-1000.

On 11/28/2019 Conte (a convicted felon) released YouTube video content with a recording of his discussions with an F.B.I. field agent to affix blame for the Port Neches, Texas explosion upon the Plaintiff (**EXHIBIT FIVE**) in a video entitled:

**RAW Call To FBI "Rogue YouTuber Reported to FBI for Explosion in Port
Neches TX**

Video description box:

Published on Nov 28, 2019
Called placed to FBI 11/27/2019 12:10 pm EST reporting D. George Sweigert
/ Dave David Acton 'terrorist' video

Mr. Conte's video was then copied and re-uploaded to a YouTube channel now known as the "Conspiracy Distillery", a channel originally known as "ABEL DANGER". David Charles Hawkins (White Rock (South Surrey), British Columbia, Canada) is the co-founder of the conspiracy marketing brand "ABEL DANGER" and is prominently featured in the Second Amended Complaint ([SAC] ECF, Doc. no. 88). This channel has approximately 58,400 subscribers.

A few hours later, a Canadian woman (Mishel McCumber, P.O. Box 1393, Trenton, Ontario, Canada K8V-5R9) re-broadcast the Marcus Conte video (residing at the "Conspiracy Distillery") on her YouTube channel known as "DeceptionBytes". The video was the viewed by more than **12,700 people**. This video of Ms. McCumber (EXHIBIT SIX) included Mr. Conte's phone call to the F.B.I. where he mentioned the Plaintiff by name – several times – and implicates the Plaintiff in a bombing attempt of Port Neches, Texas.

According to U.S. News and World Report (Nov. 29, 2019, at 10:19 a.m.) HOUSTON (Reuters) - The fire at a petrochemical plant that prompted thousands of people to flee from four Texas communities burned for a third day on Friday with officials huddling as investigations were launched.

The fiery blast at a TPC Group facility on Port Neches, Texas, on Wednesday injured three workers, blew locked doors off their hinges and was felt in communities far from the site. The plant makes chemicals used in production of synthetic rubber, resins and an octane-boosting component of gasoline.

The actions of Mr. Conte indicate clear violations of New York law and the Plaintiff has a right of private actions against Mr. Conte for malicious prosecution as well as the identical issues raised in the SAC (No. 88).

EXHIBITS ATTACHED

D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoilation-notice@mailbox.org

11.25.19

7.5-4

Signed this 29th day of November, 2019.

THEREFORE, the Plaintiff now seeks AFFIRMATIVE RELIEF from this Court for
LEAVE TO FILE an appropriate MOTION to add MARCUS CONTE, 199 Gelston Avenue,
D1, Brooklyn, New York, 11209 as a co-defendant in this instant litigation.
I hereby certify that the attached interrogatories are truthful and accurate (to the best of my
knowledge) and are not submitted for the purposes of oppression of Defendant Goodman.

In New York, "[t]he elements of an action for malicious prosecution are (1) the
initiation of a proceeding, (2) its termination favorably to plaintiff, (3) lack of
probable cause, and (4) malice." *Colon*, 60 N.Y.2d at 82, 468 N.Y.S.2d 453, 455
N.E.2d 1248. The existence of probable cause defeats a claim of malicious
prosecution. *Wasilewicz v. Village of Monroe Police Dep't*, 3 A.D.3d 561, 771
N.Y.S.2d 170, 171 (App. Div.2d Dep't 2004). Here, probable cause was found by
a judge at a probable cause hearing."

Mr. Conte is a former member of the New York City Department of Sanitation (DSNY),
employed as a Code Enforcement Officer and has received training on establishing appropriate
probable cause determinations (EXHIBIT SEVEN – Sanitation Enforcement Agent, Badge 342,
ID 1481404, Call Sign 229). His lack of demonstrating articulable "probable cause" when
telephoning the F.B.I. makes him a clear candidate for a malicious prosecution private action. In
New York the elements of malicious prosecution are cited in *Dawson v. Snow*, 356 Fed. Apprx.
526 (2d Cir. 2009 (quoted in relevant part):